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C O N F I D E N T I A L SECTION 01 OF 02 ALMATY 000733

SIPDIS

DEPT FOR SCA/CEN (MUDGE); DRL/PHD (KUCHTA-HELBLING)D

E.O. 12958: DECL: 02/22/2015

TAGS: PHUM PGOV KZ POLITICAL

SUBJECT: KAZAKHSTAN: ALLEGED SARSENBAIULY MURDER MASTERMIND
DETAINED

REF: A. ALMATY 576

B. ALMATY 651 (NOTAL)

C. ALMATY 692 (NOTAL)

D. ALMATY 717 (NOTAL)

Classified By: CDA MARK ASQUINO, FOR REASONS 1.4(B) and (D)

1. (C) Summary: Kazakhstani law enforcement officials have detained the alleged mastermind of the Sarsenbaiuly murder (reftels), current Head of the Senate Administration, Yerzhan Utembayev. Utembayev was detained on February 22, after the alleged murderer (in custody but unidentified -- hereafter "Al") fingered Utembayev as the originator of the murder plot. MVD officials told LEGAT that, other than Al's accusation, they have no evidence against Utembayev and no clear motive. Overnight, the MVD also arrested Al's driver, a former KNB agent; and released Utembayev's assistant. President Nazarbayev accepted the resignation tendered by KNB Chief Nartai Dutbayev on February 22.

2. (SBU) Summary (continued): Kazakhstani news services began carrying news of Utembayev's detention late on the evening of February 22. At a February 23 press conference in Almaty, leaders of Sarsenbaiuly's political block, FJK (For a Just Kazakhstan), argued that the "non-political" Utembayev was not the type of person to order a murder, and called for the resignation of Utembayev's boss, Senate President Nurtay Abykayev. End Summary.

Head of Senate Administration Detained

3. (C) MVD officials detained Utembayev on the evening of February 22 as he left an Astana hospital, where he was seeking unspecified medical treatment. MVD officials told LEGAT that Al had identified Utembayev as the man who had ordered and paid for Sarsenbaiuly's murder. Due to a lack of corroborating evidence, however, the MVD detained, rather than arrested, Utembayev. (Note: According to Kazakhstani statutes, law enforcement authorities can detain and question a suspect for 24 hours without filing formal charges. End Note.) The MVD told LEGAT that, other than Al's accusation, they lacked evidence, or a motive, tying Utembayev to the crime.

One Suspect Released; Another Arrested

4. (C) On February 23 the MVD released Utembayev's unidentified "assistant" after questioning him for the prescribed 24-hour period. MVD sources told LEGAT that while they believe the assistant is Utembayev's co-conspirator, they lack sufficient evidence to file formal charges. On February 22 the MVD also located and arrested Al's driver -- an unidentified ex-KNB agent (the sixth current or former KNB agent arrested in this case) whom the MVD believe helped Al carry out the actual murders.

FBI Lends Assistance in Tracing Money

5. (C) The MVD has recovered much of the \$25,000 reportedly paid to Al and the five KNB kidnappers to commit the murders. The money consists of new \$100 bills belonging to six different sequential serial number groups. (This indicates that the bills had not previously been circulated.) The FBI is tracing the money from its origin in the U.S. to the Kazakhstani banking system. Upon determination of which Kazakhstani bank received and disseminated the bills, the MVD will interview the bank officials in hopes of determining who withdrew the money from the bank. Based on Al's statements, the MVD believes that Utembayev likely withdrew the money.)

KNB Chief Resigns

6. (SBU) President Nazarbayev formally accepted the resignation tendered by KNB Chief Nartai Dutbayev on February 22. Speaking to the press about his resignation, Dutbayev said that he had resigned because the investigation had revealed that members of the KNB's "Arystan" paramilitary team had "betrayed the interests of the people and entered into criminal collusion." Discussion of the reasons for his

resignation and impact will be discussed via septel. Dariga Nazarbayeva, the President's eldest daughter and head of the ASAR party, called for the Arystan group to be disbanded.

Sarsenbairuly's Colleagues Voice Skepticism

17. (SBU) In a February 23 press conference, FJK opposition leaders voiced skepticism that Utembayev was, in fact, the mastermind of the crime. Utembayev was not a "political person," FJK Co-Chairman Oraz Zhandosov said, and had never been involved in political intrigue. It was "impossible for him alone to organize and carry out this assassination." The FJK leaders called for Abykaev's resignation, arguing that, as Senate Chairman and the person in-line to secede the President, he held enormous power and might influence the direction of the investigation. (Asked after the press conference if he thought Abykaev was the true "mastermind" of the crime, Zhandosov acknowledged that he did not know of any personal or business motive which could have driven Abykaev to organize the crime.)

18. (U) In a written statement released earlier in the day, the "Independent Public Commission," organized by the opposition to investigate the crime, suggested that the involvement of the KNB agents was sufficient evidence that the crime was "political," and that therefore the authorities should broaden their investigation and question individuals beyond Sarsenbairuly's friends and associates. Specifically, the group called for the authorities to question several "political" figures about the murder, including Deputy Foreign Minister Rakhat Aliev, his wife, ASAR Party leader and First Daughter Dariga Nazarbayeva, Vice President of the National Railroad Company (and presidential nephew) Kairat Satybaldy, and Eurasia Group industrial oligarchs Alexander Mashkevich, Patokh Shodiyev, and Alidzhon Ibragimov.

19. (U) Bio Note: Utembayev is the current Head of Senate Administration. From 2000 to 2004 he served as Deputy Head of the Presidential Administration, and from 1999-2000 as Deputy Prime Minister. At different times, he has served as the Chairman of the Board of Directors of National Railroad Company, the Development Bank of Kazakhstan, and KazakhOil.

ASQUINO